

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN NORRIS,

Petitioner,

v.

JOHN PRELESNIK,

Respondent.

CASE NO. 2:12-CV-14915

JUDGE SEAN F. COX

MAGISTRATE JUDGE PAUL J. KOMIVES

MEMORANDUM ORDER: (1) GRANTING PETITIONER'S MOTION FOR ACCESS TO
CASE AUTHORITIES (docket #11); AND (2) GRANTING PETITIONER'S MOTION FOR
EXTENSION OF TIME (docket #12)

Petitioner John Norris filed his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 5, 2012. Currently before the Court are two motions filed by petitioner. For the reasons that follow, the motions will be granted.

Motion for Access to Case Authorities: In his first motion, petitioner seeks to have respondent and the Court provide paper copies of any decisions cited in respondent's answer or in the Court's opinions that are not available in the prison law library. These include: (1) any decisions available only in electronic databases (Westlaw or Lexis); (2) decisions reported in the United States Supreme Court Reporter, Federal Reporter 2d, and Federal Supplement prior to 1970; and (3) decisions reported in the Michigan Reports and Michigan Appeals Reports prior to 1986. *See* MICH. DEP'T OF CORRECTIONS POLICY DIRECTIVE 05.03.115, ¶ B & Attachment A. Another Judge of this Court, "concerned about the impact on the appearance of justice when an incarcerated *pro se* litigant . . . lacks access to cases that are available only on electronic databases like LEXIS and WESTLAW, or are otherwise unavailable to Petitioner, that form the basis of a court's decision or the state's opposition, 'thereby hampering the litigants' opportunities to understand and assert their legal

rights,”” *Davis v. Lafler*, 692 F. Supp. 2d 705, 706 (E.D. Mich. 2009) (Tarnow, J.) (quoting *Lebron v. Sanders*, 557 F.3d 76, 78 (2nd Cir. 2009)), has granted a similar motion. *See Davis*, 692 F. Supp. 2d at 706. For the reasons set forth in *Davis*, petitioner’s motion will be granted. Respondent will be ordered to provide to petitioner paper copies of any decisions in the three categories of unavailable decisions set forth above that respondent cites in his briefs. A review of respondent’s answer reveals two such decisions: *People v. Anglin*, 314 N.W.2d 581 (Mich. Ct. App. 1981) (cited at p. 54 of respondent’s answer), and *Shahideh v. McKee*, No. 11-2267, 2012 WL 2913737, 488 Fed. Appx. 963 (6th Cir. 2012) (cited at p. 58 of respondent’s answer).

Motion for Extension of Time: In his second motion, petitioner seeks an extension of time to file a reply to respondent’s answer. Respondent has not filed a response to this motion, and no reason for denying the motion is apparent. Accordingly, this motion will be granted.

Accordingly, it is ORDERED that petitioner’s motion for access to case authorities is hereby GRANTED. It is further ORDERED that respondent provide paper copies of any decisions cited in briefs filed by respondent which are available only on electronic databases, are pre-1970 federal court decisions, or are pre-1986 state court decisions. Finally, it is ORDERED that petitioner’s motion for extension of time is hereby GRANTED. Petitioner may file a reply no later than **August 5, 2013**.

The attention of the parties is drawn to FED. R. CIV. P. 72(a), which provides a period of fourteen days from the date of this Order within which to file any objections for consideration by the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

s/ Paul J. Komives

 PAUL J. KOMIVES
 UNITED STATES MAGISTRATE JUDGE

Dated: July 2, 2013

PROOF OF SERVICE

I hereby certify that a copy of this Opinion was served upon John Norris and Counsel of Record on this date.

Dated: July 2, 2013

s/ Lisa C. Bartlett
Case Manager